

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

CECIL BOYETT,

Petitioner,

v.

Civ. No. 17-374 KG/CG


R.C. SMITH, *et al*,

Respondents.

ORDER DENYING *IN FORMA PAUPERIS* MOTION

This matter comes before the Court upon Petitioner's Motion for Leave to Proceed *In Forma Pauperis* on Appeal (Doc. 36). Petitioner seeks to appeal the order denying his 28 U.S.C. § 2254 petition without prepaying the \$505 appellate filing fee. He filed a duplicate copy of the motion in the Tenth Circuit, which was granted by a mandate issued January 31, 2019. (Doc. 38) at 11. Consequently, the Motion is moot.

IT IS ORDERED that the Motion for Leave to Proceed *In Forma Pauperis* on Appeal (Doc. 36) is denied as moot.


UNITED STATES DISTRICT JUDGE